

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 850**

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**Introduced by Assembly Member Ridley-Thomas**

February 26, 2015

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An act to ~~amend~~ add Section ~~6323~~ of 6403.2 to the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 850, as amended, Ridley-Thomas. ~~Safety in employment.~~  
*Employment: hospitals: virulent aerosol transmissible diseases.*

*Under existing law, the Division of Occupational Health and Safety, within the Department of Industrial Relations, investigates complaints that a workplace is unsafe and the division is authorized to issue orders necessary to ensure employee safety. Existing law permits the division to declare and prescribe what safety devices, safeguards, or other means or methods of protection are well adapted to render employees of every employment and place of employment safe. Under existing law, an employer who violates any standard, order, or special order of the division, or who violates statutory provisions of existing law, may be subject to criminal, civil, and administrative penalties, as specified.*

*This bill would require an employer who employs individuals in a general acute care hospital, as defined, to, minimize the risk of occupational exposure to virulent aerosol transmissible diseases, as defined, and to provide optimal protection from occupational exposure to pathogens and aerosolized body fluids, as specified. The bill would also require these employers to, among other things, provide any health care worker who enters the room of a specified patient with personal*

protection equipment and a powered air purifying respirator, as specified.

By expanding the definition of an existing crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law authorizes the Division of Occupational Safety and Health to seek an injunction from the superior court of local jurisdiction when any employment or place of employment, or machine, or other equipment constitutes a serious menace to the lives or safety of persons in proximity to the hazard.~~

~~This bill would make nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 6403.2 is added to the Labor Code,
- 2     immediately following Section 6403, to read:
- 3     6403.2. (a) For purposes of this section, “virulent aerosol
- 4     transmissible disease” means a disease or pathogen identified in
- 5     Appendix A of Section 5199 of Title 8 of the California Code of
- 6     Regulations for which there is no federal Food and Drug
- 7     Administration approved vaccine or medicine, such as an antiviral,
- 8     that neutralizes the transmissibility of that disease or pathogen to
- 9     health care workers, that is not preventable by vaccine, and for
- 10    which there is significant associated morbidity or mortality.
- 11    (b) An employer who employs individuals in a general acute
- 12    care hospital, as defined in subdivision (a) of Section 1250 of the
- 13    Health and Safety Code, shall do both of the following:
- 14    (1) Minimize the risk of occupational exposure to virulent
- 15    aerosol transmissible diseases.
- 16    (2) Provide optimal protection from occupational exposure to
- 17    pathogens from direct or indirect contact with droplets or
- 18    aerosolized body fluids generated by medical procedures or human
- 19    biological processes.

1     (c) If a patient presents himself or herself for care with  
2     epidemiologic risk factors or any symptoms of illness consistent  
3     with a virulent aerosol transmissible disease, such as Ebola virus  
4     disease, an employer described in subdivision (b) shall do all of  
5     the following:

6     (1) Immediately isolate the patient in a private or separate  
7     enclosed area with a private bathroom or covered bedside  
8     commode.

9     (2) Provide any health care worker who enters the patient's  
10    room with personal protection equipment (PPE) that includes, at  
11    a minimum, a full body hazmat suit that is body fluid, blood, and  
12    virus impervious, and meets the ASTM F1670 standard for blood  
13    penetration and the ASTM F1671 standard for viral penetration.

14    (3) Provide any health care worker who enters the patient's  
15    room with respiratory protection. This protection shall be, at a  
16    minimum, a powered air purifying respirator (PAPR) with an  
17    assigned protection factor of at least 50 that is worn with a full  
18    hood that meets ASTM F1670 and ASTM F1671 standards.

19    (4) Ensure that the PPE and PAPR provided are fully compatible  
20    with each other and that they leave no skin exposed or unprotected.

21    (d) This section shall not be construed to amend any other  
22    occupational health standard or requirement for an employer  
23    described in subdivision (b) under Section 5193 or 5199 of Title  
24    8 of the California Code of Regulations, or under any other state  
25    law.

26    (e) The Legislature declares that the exclusive purpose of this  
27    section is to require optimal PPE and respiratory protection with  
28    PAPRs for health care workers who provide care for persons under  
29    investigation for virulent aerosol transmissible diseases and for  
30    persons with a confirmed disease.

31    SEC. 2. No reimbursement is required by this act pursuant to  
32    Section 6 of Article XIII B of the California Constitution because  
33    the only costs that may be incurred by a local agency or school  
34    district will be incurred because this act creates a new crime or  
35    infraction, eliminates a crime or infraction, or changes the penalty  
36    for a crime or infraction, within the meaning of Section 17556 of  
37    the Government Code, or changes the definition of a crime within  
38    the meaning of Section 6 of Article XIII B of the California  
39    Constitution.

1 SECTION 1. ~~Section 6323 of the Labor Code is amended to read:~~  
2 ~~6323. If the condition of any employment or place of~~  
3 ~~employment or the operation of a machine, device, apparatus, or~~  
4 ~~equipment constitutes a serious menace to the lives or safety of~~  
5 ~~persons about it, the division may apply to the superior court of~~  
6 ~~the county in which the place of employment, machine, device,~~  
7 ~~apparatus, or equipment is situated, for an injunction restraining~~  
8 ~~the use or operation thereof until the condition is corrected.~~

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